



UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

TROJAN CAPITAL INVESTMENTS,
LLC,

Plaintiff,

v.

BENIGNO YUZON, JR., et al.,

Defendants.

Case No. CV 17-04230 JAK (SSx)

ORDER SUMMARILY REMANDING

IMPROPERLY-REMOVED ACTION

This unlawful detainer action is remanded to the Los Angeles Superior Court ("LASC") because Defendant removed it improperly.

On June 7, 2017, Defendant Agostinho Martines, who was a named defendant in a routine unlawful detainer action that was brought in the LASC, filed a Notice Of Removal of that action to this Court and also presented an application to proceed in forma pauperis. The latter application has been denied in a separate order because the action was not properly removed. To facilitate party and judicial efficiency, the matter is now remanded to the LASC.

This action is not one that could have been originally filed

1 in a federal court. The Complaint does not competently allege
2 facts supporting either diversity or federal-question
3 jurisdiction. Therefore, the removal was improper. 28 U.S.C.
4 § 1441(a); see Exxon Mobil Corp. v. Allapattah Svcs., Inc., 545
5 U.S. 546, 563 (2005). Further, even if an affirmative defense
6 could raise a colorable issue of federal law, that would not
7 provide a basis for federal jurisdiction. Hunter v. Philip Morris
8 USA, 582 F.3d 1039, 1043 (9th Cir. 2009) (an affirmative defense
9 that arises under federal law is not a basis for federal question
10 jurisdiction in a removed action).

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12 For the foregoing reasons, IT IS ORDERED that: (1) this
13 matter shall be REMANDED to the LASC. At its Courthouse located
14 at 6230 Sylmar Avenue, Van Nuys, California 91401; (2) the Clerk
15 shall send a certified copy of this Order to the LASC; and
16 (3) the Clerk shall serve copies of this Order on the parties.

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18 IT IS SO ORDERED.

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20 DATED: June 13, 2017

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22 JOHN A. KRONSTADT
23 UNITED STATES DISTRICT JUDGE
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